

1 UNITED STATES DISTRICT COURT

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3 FRANCISCO ARCIBAL CASE NO. 2:22-CV-01984-JAD-BNW

4 PLAINTIFF

5 VS

6 REQUEST FOR CLARIFICATION OF

7 BARBARA SCHIFALACQUA ETAL' ORDER OF 1-4-2023.

8 DEFENDANTS

9 ON 1-4-2023 THIS COURT ISSUED AN ORDER STATING THAT MR.  
10 ARCIBAL'S COMPLAINT HAD BEEN DISMISSED WITHOUT PREJUDICE  
11 AND WITH LEAVE TO AMEND. IT REFERENCED DOCUMENT 6. MR ARCIBAL  
12 REVIEWED DOCUMENT 6 WHICH WAS AN ORDER TO FILE A COMPLETE IFP  
13 APPLICATION WHICH MR ARCIBAL COMPLIED WITH ON 12-27-22 PLEASE  
14 SEE DOCUMENT 8. THE ONLY OTHER FILING WAS DOCUMENT 9 WHICH  
15 WAS A MOTION TO APPOINT COUNSEL WHICH WAS RETURNED TO MR ARCIBAL  
16 WITH NO FILING RECEIPT. THE CONFUSION COMES WITH DOCUMENT  
17 10 WHICH STATES THIS COURT HAD PREVIOUSLY DISMISSED HIS COMPLAINT.  
18 MR ARCIBAL NEVER RECEIVED SUCH A NOTICE. HE WISHES TO  
19 COMPLY WITH AN AMENDED COMPLAINT IF HE KNEW WHAT  
20 ADDITIONAL INFORMATION THE COURT REQUIRES. MR ARCIBAL'S  
21 RECORDS INDICATE HE HAS COMPLIED FULLY. CLARIFICATION  
22 IS NEEDED

23 ORDER


24 IT IS ORDERED that ECF No. 11 is GRANTED. Plaintiff shall have until February 3, 2023 to file an  
25 amended complaint.

26 IT IS FURTHER ORDERED that ECF No. 12 is GRANTED. The Court clarifies for Mr. Arcibal that in  
27 ECF No. 6, the Court dismissed Plaintiff's complaint without prejudice. ECF No. 6 at 4.

28 IT IS FURTHER ORDERED that the Clerk of Court shall send Mr. Arcibal a copy of ECF No. 6. Mr.  
Arcibal is directed to review pages two and three of ECF No. 6 to see what he must do to amend his  
complaint.

IT IS SO ORDERED

DATED: 3:59 pm, January 12, 2023

  
BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE